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JAN 24 2022

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF MISSOURI
DIVISION

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

v.

(Write the full name of each defendant. The caption must include the names of all of the parties. Fed. R. Civ. P. 10(a). Merely listing one party and writing "et al." is insufficient. Attach additional sheets if necessary.)

Clint Phillip III
Two unknown Police Officers of
City of St. Louis, et. al. City of St. Louis, et. al.
Dr. Pimiente Christancho
et. al. Barnes Jewish Hospital

Complaint for a Civil Case

Case No.

(to be assigned by Clerk of
District Court)

Plaintiff requests trial by jury:

☒ Yes ☐ No

NOTICE:

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date, the full name of a person known to be a minor, or a complete financial account number. A filing may include only: the last four digits of a social security number, the year of an individual's birth, a minor's initials, and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed without prepaying fees or costs.

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Clint Phillips III</u>
Street Address	<u>1173 Forest Home dr</u>
City and County	<u>St. Louis</u>
State and Zip Code	<u>Missouri 63137</u>
Telephone Number	<u>(314) 942-2201</u>
E-mail Address	<u>Clint.Phillips2019@gmail.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	<u>City of St. Louis</u>
Job or Title	<u>City/Municipality</u>
Street Address	<u>Tucker Blvd (City Hall)</u>
City and County	<u>St. Louis</u>
State and Zip Code	<u>MO 63102</u>
Telephone Number	<u></u>
E-mail Address	<u></u>

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant. If you are suing for violation of your civil rights, you must state whether you are suing each defendant in an official capacity, individual capacity, or both.)

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only three types of cases can be heard in federal court. Provide the information for this case. *(Include all information that applies to your case)*

A. Federal question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case. *Title 42 U.S.C. § 1983 & 1985
Fourth Amendment*

B. Suit against the Federal Government, a federal official, or federal agency

List the federal officials or federal agencies involved, if any.

N/A

C. Diversity of Citizenship

These are cases in which a citizen of one State sues a citizen of another State or nation, and the amount at stake is more than \$75,000. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

1. The Plaintiff(s)

The plaintiff, (name) *N/A*, is a citizen of the
State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

If the defendant is an individual

The defendant, (name) _____, is a citizen
of the State of (name) N/A Or is a citizen
of (foreign nation) _____.

If the defendant is a corporation

The defendant, (name) N/A
is incorporated under the laws of the State of (name)
_____, and has its principal place of
business in the State of (name) N/A Or
is incorporated under the laws of the State of (foreign nation)
_____, and has its principal place
of business in (name) N/A.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy----the amount the plaintiff(s) claims the defendant(s) owes or the amount at stake----is more than \$75,000, not counting interest and costs of court, because (explain): 6,000,000.00

III. Statement of Claim

Type, or neatly print, a short and plain statement of the **FACTS** that support your claim(s). For every defendant you have named in this complaint, you must state what he or she personally did to harm you. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Do not make legal arguments, or cite court cases or statutes. You may attach additional pages if necessary.

Your statement of claim must include all of the following information:

1. What happened to you?
2. When did it happen?
3. Where did it happen?
4. What injuries did you suffer?
5. What did each defendant personally do, or fail to do, to harm you?

See Attached

IV. Relief

State briefly and precisely what damages or other relief you want from the Court. Do not make legal arguments.

invoke punitive damages against Barnes Hospital and their codefendants to deter this type of misconduct with this not being an isolated incident but a pattern of misconduct against persons with disabilities via conspiring with public officials to deprive persons with disabilities of their liberty interest

In July of 2017, I was civilly committed by two unknown police officers of the City of St. Louis 6th district involuntarily when I was no danger to myself or other as required per MO. Revised Statute in reference to detention and commitment. Their actions violate clearly established law via the Fourth Amendment, and the officers and the city itself should be vicariously liable for their actions

They lied and said I was in possession of and threatening my family with a shotgun which they could not produce @ time of arrest or hearing, and they were specifically referring to my wife who did not reside on Thrush Ave with me and whom I'm separated. These officers names can be found in the false and misleading affidavits that they attached

Dr. Pimiento Christancho and the judge held my commitment hearing ex parte which is automatically a false imprisonment in the state of Missouri, and they knowingly filed a

False and misleading insanity certificate they should be denied any type of quasi-judicial immunity and the doctor and the hospital should be considered state actors for conspiring with St. Louis city police officers to commit intentional and constitutional torts with the intention to deprive a citizen /myself of their rights. see: *Riffe v. Armstrong*

The defense of quasi-judicial immunity or privilege is generally available to one participating in the involuntary commitment process in good faith. However, the defense of quasi-judicial immunity or privilege does not apply where it is shown: (1) That a materially false medical certificate was employed to effect or continue the detention of plaintiff, (2) that such false medical was necessary to the continued detention of the plaintiff, and (3) that the person made and employed the false medical certificate, or (4) employed such certificate knowing or having reason to know that it was materially false. These acts and/or omissions apply to all defendants

Two things are needed for involuntary commitment
 (1) A facially valid psychiatrist certificate
 (2) A facially valid finding of probable cause to the same effect

the defendant's had neither

For state actor status of defendants see Moore v. Wyoming Medical Center 825 F.Supp.1531 (D. Wyo. 1993) This court should find that these officers, Barnes-Jewish Hospital and Dr. Pimiento Christancho acted in concert to deprive me of my constitutional rights, and the in-concert test should apply

The Carnes and Milo decisions implicitly left room for the possibility that a private hospital may become a state actor pursuant to section 1983 even though the county was not "informed of [the private party's] decisions" as in Jatoi, see specifically, Yeager, 980 F.2d at 342, 342 n.9; 1542 compare Carnes, 922 F.2d at 1509; Milo 861 F.2d at 1197

Neither defendant should be entitled to qualified immunity; see: Wyatt v. Cole, 504 U.S. 158 (1992)

Respectfully requesting summary judgment because there is no genuine issue of fact. The medical certificate was materially false and deficient and not facially valid upon probable cause, and I was

forced to take unwanted medicines, including a dangerous one called Zyprexa. The police gave false and misleading information of which I can have witnesses subpoenaed to rebottle

I was civilly committed under false pretenses and my liberty interests violated

See: Rice v. Gray where physician is not liable does not apply where physician issues ex parte certificate of insanity

To be able to confront my accusers is a fundamental right of which I was also deprived and the doctor Christancho conspired to testify with/for my accusers and gave the judge information knowing it to be

The police officers and Dr. Pimiento Christancho had a mutual understanding and a meeting of the minds to involuntarily commit myself under false pretenses of which they had no evidence, witnesses, or probable cause

Do you claim the wrongs alleged in your complaint are continuing to occur now?

Yes ☐ No ☒

Do you claim actual damages for the acts alleged in your complaint?

Yes ☐ No ☒

Do you claim punitive monetary damages?

Yes ☒ No ☐

If you indicated that you claim actual damages or punitive monetary damages, state the amounts claimed and the reasons you claim you are entitled to recover these damages.

\$16,000,000.00 because these acts were reckless, malicious, and falsified by overzealous police officers and a psychiatrist

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 24 day of Jan, 20 22.

Signature of Plaintiff(s)

Mark Phillips III